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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.1009 OF 2007

Rajesh Raghunath Kanojia Petitioner
versus
State of Maharashtra & ors. Respondents

Ms.Rebecca Gonsalves for petitioner.
Mrs.S.D.Shinde, APP for respondents 1,3 & 4.
Dr.Sanjay Anand Jagtap present.

CORAM : SMT.RANJANA P. DESAI AND
D.B.BHOSALE, JJ.

DATE : 13th June 2007

PC :

1. Pursuant to our directions Dr.S.A.Jagtap is present in the Court today. Admittedly, an amount of Rs.35,000/- (Rs.Thirty five thousand only) has been sanctioned by the State for the surgery of the petitioner who was during the relevant time in jail. We are informed that thereafter the petitioner has been acquitted.

2. We have interviewed Dr.Jagtap. Dr.Jagtap has told us that it appears that the petitioner has suffered the infection in question while in jail. The learned counsel for the petitioner states

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that the authorities have taken a stand that the amount of Rs.35,000/- cannot be spent on the surgery of the petitioner because the petitioner has now been acquitted.

3. We are unable to appreciate this stand of the authorities. If the petitioner got infection while he was in jail, if any operation required to be performed because of that infection, the State will have to bear the expenses. Therefore, if the surgery is required, that amount of Rs.35,000/- will have to be spent for that purpose. We accordingly direct that the said amount of Rs.35,000/- be utilised for the surgery of the petitioner Rajesh Kanojia. We record the statement of Dr.Jagtap that as and when it is medically possible necessary surgery will be performed on the petitioner Rajesh Kanojia. We accept the statement of Dr.Jagtap. No further orders are necessary. Petition is disposed of in aforesaid terms.

(SMT.RANJANA P. DESAI, J.)

(D.B.BHOSALE, J.)